

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MARGAREE BARRINGER ET AL

V.

ISAAC CATHEY ET AL

CAUSE NO. 01-05-686

10/09/08 10:57:33
BK 595 PG 178
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK**ORDER PURSUANT TO OPINION**

This matter having come on for trial on the merits on March 6, 2007, in the Montgomery County Courthouse in Winona, Mississippi, the University Cathey Estate being represented by the Honorable Rebecca S. Thompson; Lenwood Cathey being represented by the Honorable Fredrick B. Clark; and McPhail and Associates, Inc. being represented by the Honorable M. Lee Graves, stipulations having been made by counsel, and counsel having presented witnesses and evidence herein, and the Court having considered all the evidence and stipulations and having considered, in addition, the prior evidence received pertaining to the Contract of September 18, 2003, and all evidence concerning whether or not the property may be partited in kind and having issued an Opinion from the bench, this Order shall be entered pursuant to the Opinion.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Court does hereby find that the said property is not subject to partition in kind, as set forth in the opinion of the Court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Contract of September 18, 2003, between the University Cathey Estate and McPhail and Associates, Inc. for the sale of the property is ratified and approved, and the said property shall without undue or unreasonable delay be sold and conveyed pursuant to the terms of the

FILED

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W E DAVIS, CLERK

Smita Phillips

Contract.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defaulted interest of the parties as shown in Exhibit 2 of the stipulation of Counsel is quieted and confirmed in the proportionate share as stipulated. This property shall be transferred to McPhail and Associates, Inc. according to the terms of the contract of September 18, 2003 and this Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to the property in Exhibits 1 and 3 as reflected by the stipulation of counsel and the deeds of record in the DeSoto County, Mississippi Courthouse, is quieted and confirmed in the proportionate share, as stipulated. This property shall be transferred to McPhail and Associates, Inc. pursuant to the Contract of September 18, 2003, and payment shall be made according to the terms of the Contract and this Order of the Court.

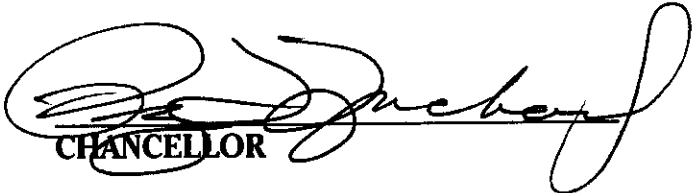
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to the property which has already been transferred to McPhail and Associates, Inc. on the land records of DeSoto County, Mississippi, is hereby quieted and confirmed in the name of McPhail and Associates, Inc. McPhail and Associates, Inc. shall pay its proportional part of costs, taxes, attorney fees, and real estate fees, if the same has not already been paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the legal services petition of the Honorable Rebecca S. Thompson is approved and this cost shall be taxed as a common charge on all interests and shall be paid from the proceeds of the sale of the property as a whole, before distribution of any moneys.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the real estate

commission of Taylor Realty is approved pursuant to the Contract, and all costs of closing and any costs such as taxes for past years shall be reimbursed to those paying from the gross proceeds and the remaining balance due shall be paid from the proceeds of the sale as a common charge on all interests.

11th
ORDERED, ADJUDGED, and DECREED this the 6th day of March, 2007.


CHANCELLOR

APPROVED AS TO FORM:


M. LEE GRAVES
Attorney at Law (MSB#4974)
P.O. Box 1476
Clarksdale, MS 38614
Attorney for McPhail and Associates, Inc.

FREDRICK B. CLARK
Attorney at Law (MSB# 6260)
P. O. Box 10027
Greenwood, MS 38930
Attorney for Lenwood Cathey et al



REBECCA S. THOMPSON
Attorney at Law (MSB#9765)
P. O. Box 346
Hernando, MS 38632-0346
Attorney for Estate of University Cathey

Exhibit #1 Fred Clark clients that have not transferred their interest

These people own a 4.64 acre undivided interest or a 3% interest in the subject property each having a varying interest depending upon degree of heirship.

Willie Earl Carter heirs	.41
Robert E. Shannon	.163
Evelyn Johnson	.27
Jennette Jackson	.27
Andree Dixon	.27
Eudora Carter	.816
Elmira Wooten	.074
Bobbie Threat Shields	.010
Eugene Threat	.010
Robert Threat, Jr.	.010
David Threat	.010
Jeffrey Threat	.010
Daniel Threat	.010
Jennita Morgan	.010
Joseph Echols, Jr.	.009
Stanley Echols	.009
Betty Echols Sherrill	.009
Marvella Echols	.009
Chester B. Echols	.009
Gregory Echols	.009
Victor Echols Robinson	.009
Richard Echols	.009
Lucy Echols	.024
Narvell Echols	.024
Cynthia Stewart	.024
William Echols	.074
Levi Echols	.074
Beatrice Echols Harden	.074
Joyce Echols Cathey	.074
Clifton Carter	.0816
Danielle Tripp	.0816
Jacqueline L. Carter	.020
Karen Ekuban	.020
Kathleen Parker	.020
Michael Carter	.020
Franshell Martin	.050
Robbin Branson	.050
Tyrone Jones	.050

Reginald Smith	.050
William Jones	.050
James Smith, Jr.	.050
Terrance B. Smith	.050
Catherine Green	.063
Sharon Harley	.007
Tara Cathey	.007
Darrell Cathey, Sr.	.007
Camielle Cathey	.007
Monica Greenwood	.007
Roosevelt Cathey, III	.007
Darrell Cathey, Sr.	.007
Derrick Cathey, Sr.	.007
Diondrea Cathey	.021
Billy Ray Cathey, Jr.	.021
Cameron Cathey	.021
Michael Cathey	.021
Anthony Cathey	.021
Alena Little	.074
Timothy J. Davis	.074

Exhibit #2 Default interests

These people were served and either filed no response nor appeared at trial upon notice and were not represented by an attorney. Together they own a 33.86 acre undivided interest or a 22% interest in the subject property each having a varying interest depending upon degree of heirship.

Magnolia Lawson	.163
Alonso Carter	.816
Philista Collins	2.44
James Arthur Carter, Jr.	.81
Freddie Cole	.81
James A. Carter heirs	.81
Loyce McMahon	.813
Steven D. Jones	.271
Bruce Jones	.271
Yakena Jones	.09
Geneva Jackson	.16
Claudester Taylor	.16
Cassandra Oliver	.16
Darlene Ajda	.16
Tammy Mosby	.16
Keith Cole	.48
Carolyn Young	.48
Charlotte Cole	.48
McArthur Cole	.48
Angela Cole	.48
Rosie Allen	.12
Raymond Myles	.12
Ralph Myles	.12
Daniel Myles	.12
Leonard Myles	.12
Vernell M. Tibbs	.12
Elaine M. Hinton	.12
William Myles	.12
Ruby L. Powell	.12
Wayne Myles	.12
J.W. Myles heirs	1.22
Jeffrey Myles	.061
Michelle Myles	.061
Chaz Myles	.061
Blake Myles	.061
Thelma J. Myles	.244
Debra A. Myles	.244

Dorothea Myles	.244
Opear Myles	.12
Gwendolyn Cox	.12
Patricia Bibbs	.12
Mark Myles, Jr.	.12
Mary Myles	.12
Luke Myles, Sr.	.12
Matthew Myles, Sr.	.12
Mary Myles Newsom	1.22
James Williams	.025
Earna Williams Andrews	.025
Harvey Williams heirs	.025
Margaret Wooden Hubbard	.101
Lawrence Wooden	.017
Marsha Wooden	.017
Caster Wooden, III	.017
Candance Wooden	.017
George Wooden	.017
Al Quin Moten	.61
President Eason heirs	.174
Roosevelt Eason	.174
Willie Bee Eason heirs	.174
Jerry Pendergrass	.025
Emanuel Eason	.025
Jerome Eason	.025
Anthony Biggs	.025
Terry Eason	.025
Wilma Brawley Hillman	.174
David Woodard	.148
Bryan Woodard	.148
Alphonzo Woodard	.45
Geraldine James	.45
Saleem El Amin	.45
Arlene Mannings	.816
Hazel D. Gordon	.816
Randolph E. Mannings	.816
Delores Sconyers	.816
Lois L. Clinkscales	.816
Eugenia Grissom	1.63
Aaron Jones	.181
Delvert Cole	.060
Melvin Williams	.060
Kary Cole	.060

Martha Jones	.030
Clintine Jones	.030
Marquite Jones	.030
Jacqueline Jones	.030
Robert Kevin Jones	.030
Jane Jones Allen	.181
Annette Jones	.181
Marilyn Jones Oliver	.181
Kathryn Cole Davis	1.09
Rodney Aaron Jones	1.09
Addielean Cole Bowen	1.09
Joseph Cole	1.09
Imogene McIntyre Cole	.540
La Renne Cole	.27
Sharon Cole Dudley	.09
Perry Cole	.09
Jacqueline Cole	.09
Rose Matilda Cole	.155
John Earl Smith	.025
Darlene M. Smith	.025
Jacqueline D. Smith	.025
Myra L. Smith	.025
Debra Smith Lomax	.025
Rosalind D. Smith	.025
Ruth Ann Cole	.155
Georgia Cole	.031
Carlos Cole	.031
Shelia Cole Dennings	.031
Pamela Cole Stovall	.031
Elise Cole Rogers	.031
Earl Lynn Cole	.155
Bertha Cole Anderson	.155
Grady O. Cole	.155
Andrew Cole	.545
Blanche Cole	.545

**Subject property referred to in Court Order entered April 11, 2007 in DeSoto
County Chancery Court Cause Number 01-05-686**

Exhibit "A"

The South Half of the Southwest Quarter of Section Seven (7), Township Three (3), Range Six (6) West, containing 80 acres, more or less.

AND

The South Half of the Southeast Quarter of Section (7), Township (3), Range (6) west containing 80 acres more or less.

Indexing Instructions: Property located SE 1/4 and SW 1/4 of Section 7, Township 3, Range 6 West, DeSoto County, Mississippi.